

Notice of Allowability

Application No.

09/762,238

Examiner

Paul Gurzo

Applicant(s)

GUEVREMONT ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/22/03.
2. ☒ The allowed claim(s) is/are 21-37.
3. ☒ The drawings filed on 09 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Allowable Subject Matter

Claims 21-37 are allowed.

The following is an examiner's statement of reasons for allowance: As the claimed invention was read in light of the specification, the prior art of record fails to disclose or render obvious a method for enriching and/or identifying isotopes, comprising providing at least one ionization source for providing ions including two isotopes of a same element, providing an analyzer region defined by a space between at least first and second spaced apart electrodes, said analyzer region being in communication with at least one of each of a gas inlet, a gas outlet, an ion inlet and an ion outlet, and introducing said ions into said analyzer region through said ion inlet, applying an asymmetric waveform voltage and a direct current compensation voltage to at least one of said electrodes, setting said asymmetric waveform voltage in order to effect a difference in net displacement between said isotopes in the time of one cycle of said applied asymmetric waveform voltage, varying said direct current compensation voltage to compensate for some of the displacement of said isotopes resulting from the applied asymmetric waveform voltage and measuring resulting transmitted ions at said ion outlet, so as to produce a compensation voltage scan for said transmitted ions, identifying peaks in said compensation voltage scan corresponding to said isotopes, and setting said direct current compensation voltage to correspond to one of said peaks, so as to separate and enrich one of said two isotopes.

The closest prior art, Buryakov et al., teach a method for enriching and/or identifying isotopes, comprising providing at least one ionization source for providing ions, providing an analyzer region defined by a space between at least first and second spaced apart electrodes, said

Art Unit: 2881

analyzer region being in communication with at least one of each of a gas inlet, a gas outlet, an ion inlet and an ion outlet, and introducing said ions into said analyzer region through said ion inlet, applying an asymmetric waveform voltage and a direct current compensation voltage to at least one of said electrodes, setting said asymmetric waveform voltage in order to effect a difference in net displacement between said isotopes in the time of one cycle of said applied asymmetric waveform voltage, varying said direct current compensation voltage to compensate for some of the displacement of said isotopes resulting from the applied asymmetric waveform voltage and measuring resulting transmitted ions at said ion outlet, so as to produce a compensation voltage scan for said transmitted ions, identifying peaks in said compensation voltage scan corresponding to said isotopes, and setting said direct current compensation voltage to correspond to one of said peaks. However, they are silent to the claimed use of two isotopes of a same element and enriching one of the two isotopes, and it is not obvious that their teaching of ion enrichment can be extended to include isotopes of the same element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Gurzo whose telephone number is (703) 306-0532. The examiner can normally be reached on M-Thurs. 7:30 - 6:00.

Application/Control Number: 09/762,238

Page 4

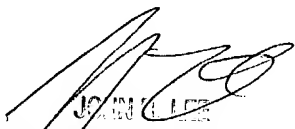
Art Unit: 2881

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Lee can be reached on (703) 308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PMG

January 7, 2004


JOHN LEE
SUPERVISOR, PATENT EXAMINER
TECHNICAL CENTER